

Exhibit A

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION		Page 1
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KIMBERLY L. COX,)	Appearances.....	2
Plaintiff,)	Exhibit Index.....	3
vs.) CIVIL ACTION NO.	Stipulations.....	4
MEGAN J. BRENNAN,) 2:14-CV-00810-JRG-RSP	KIMBERLY COX, the witness,	
POSTMASTER GENERAL OF THE)	Examination by Mr. Visosky	5
UNITED STATE, U.S. POSTAL)	Correction and Signature Page.....	162
SERVICES,)	Reporter's Certificate.....	164
Defendant.)		
ORAL DEPOSITION OF KIMBERLY COX	EXHIBITS	
DECEMBER 1, 2016	NO. DESCRIPTION	PAGE
ORAL DEPOSITION OF KIMBERLY COX, produced as a	Exhibit 1 CA-1 Accident Report dated 8-21-12.....	44
witness at the instance of the Defendant, and duly	Exhibit 2 CA-17 Duty Status Report dated 8-22-12....	49
sworn, was taken in the above-styled and numbered cause	Exhibit 3 29 color photographs (marked 3A-3CC).....	54
on December 1, 2016, at 9:08 a.m. to 1:35 p.m., before	Exhibit 4 Sworn Statement dated 9-31-12 by Kimberly Cox.....	73
Brenda Hightower Smith, Certified Shorthand Reporter in	Exhibit 5 DVD video.....	82
and for the State of Texas, reported by computerized	Exhibit 6 Plaintiff's Second Amended Complaint.....	108
stenotype machine at the U.S. Attorney's Office, 110	Exhibit 7 Plaintiff's Response to Defendant's First Set of Interrogatories.....	112
North College, Suite 700, Tyler, Texas, pursuant to the	Exhibit 8 Notice of Removal dated October 3, 2012...	154
Federal Rules of Civil Procedure and the provisions		
stated on the record or attached hereto.		
	Ellipses are used only to show that an answer has trailed off and not been interrupted.	
	Quotation marks are not meant to be interpreted as direct quotes.	
	Uh-huh = yes, affirmative	
	Huh-uh = no, negative	
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	APPEARANCES	
FOR THE PLAINTIFF:		
MS. REBECCA L. FISHER	PROCEEDINGS	
ATTORNEY AT LAW	THE COURT REPORTER: What agreements do	
6118 SW Military Drive	you want to take this under?	
P.O. Box 781369	MR. VISOSKY: Under the Federal Rules.	
San Antonio, Texas 78278	MS. FISHER: Yeah.	
210.988.2977 (phone)	THE COURT REPORTER: What about	
rebeccafisherlaw@gmail.com (e-mail)	signature?	
FOR THE DEFENDANT:	MS. FISHER: Send it to me so she can	
MR. BRADLEY VISOSKY	sign it.	
U.S. DEPARTMENT OF JUSTICE	Do we need it in any hurried manner? Do	
UNITED STATES ATTORNEY'S OFFICE	you need it?	
Assistant United States Attorney	MR. VISOSKY: I mean, I think it's just	
Eastern District of Texas	the usual 30 days.	
101 East Park Boulevard, Suite 500	MS. FISHER: Okay. I just wanted to be	
Ft. Worth, Texas 76102	sure in case there's some --	
972.509.1201 (phone)	MR. VISOSKY: No, I don't care.	
bradley.visosky@usdoj.gov (e-mail)	I mean, I might attach it to a summary	
- and -	judgment or something.	
MS. THERESA M. GEGAN	MS. FISHER: That's what I was thinking.	
U.S. POSTAL SERVICE	MR. VISOSKY: But I don't know that I	
SOUTHERN AREA LAW OFFICE	need --	
P.O. Box 667078	MS. FISHER: I don't have a problem with	
Dallas, Texas 75222-7078	you attaching it. If we have something we change, I'll	
214.252.6178 (phone)	address it --	
theresa.m.gegen@usps.gov (e-mail)	MR. VISOSKY: Right.	
ALSO PRESENT:		
TAMRA FISHER		

	Page 5	Page 7
1	MS. FISHER: -- and bring it to you. And	1 be able to give full and complete and truthful answers
2	if not, it is what it is so we can move forward.	2 today?
3		3 A. No, sir.
4	KIMBERLY COX,	4 Q. Just tell me briefly your education history.
5	having first been duly sworn, testified under oath as	5 Where -- how far did you go in school?
6	follows:	6 A. I -- some college. Did not complete it.
7		7 Q. Go ahead -- where did you go to college?
8	EXAMINATION	8 A. Kilgore College.
9	BY MR. VISOSKY:	9 Q. And how many years did you go?
10	Q. Good morning, Mrs. Cox.	10 A. Just one.
11	A. Good morning.	11 Q. One year?
12	Q. I introduced myself earlier. I'm Bradley	12 A. Yes.
13	Visosky from the U.S. Attorney's Office. I represent	13 Q. Okay. So as far as degrees, you have a high
14	the Defendant, the Postmaster General, basically the	14 school diploma?
15	Postal Service in the case. And I have with me Theresa	15 A. Yes.
16	Gegen, who is Postal Service counsel from -- from	16 Q. Any other degrees?
17	Dallas.	17 A. No.
18	Thanks for coming in.	18 Q. Any specialized training?
19	And this relates to the lawsuit that you	19 A. Specialized...?
20	brought in federal court against the Postal Service, the	20 Q. Just training at all in any -- any vocational
21	Marshall Division of the Eastern District of Texas.	21 skills or office skills or anything like that.
22	Could you just introduce yourself for the	22 A. I've had numerous Postal Service training.
23	record, please.	23 Q. Okay. Sure.
24	A. I'm Kimberly Cox.	24 Where did you work before -- well, what year
25	Q. Have you ever had your deposition taken	25 did you start working for the Postal Service?
	Page 6	Page 8
1	before?	1 A. 1997.
2	A. I don't believe so.	2 Q. And what did you start as, what was your
3	Q. Okay. Just a few things. I'll be asking you	3 position then?
4	questions just to find out information about your	4 A. A letter carrier. A casual letter carrier.
5	lawsuit. Will you agree that you can just give clear	5 Q. What's that? What's the difference?
6	answers, verbal answers, instead of nods and things like	6 A. Sub, basically.
7	that?	7 Q. Okay.
8	A. Yes, sir.	8 A. Substitute.
9	Q. And the purpose of this really is just to find	9 Q. Okay. Were you a -- I understand there's like
10	out everything that you know, the facts underlying your	10 a rural or a city carrier?
11	lawsuit. Will you agree to just give full and complete	11 A. City.
12	and truthful answers to my questions today?	12 Q. City at the time. Okay.
13	A. Yes.	13 What did you do before you started working at
14	Q. And if you don't understand a question, feel	14 the Postal Service?
15	free to stop me or ask me to rephrase it. Will you	15 A. The only occupation -- I think there was a
16	agree to do that if you don't understand the question?	16 couple years I didn't -- I didn't work; and then before
17	A. Yes.	17 that, I sold cars.
18	Q. If you do need a break at any time, totally	18 Q. Okay. Okay. Any other types of jobs?
19	flexible with that. Just tell your attorney or tell me,	19 A. In high school I had -- I worked for
20	and we'll stop. It's just down the hall.	20 Walmart --
21	Are you on any medication today that would	21 Q. Okay.
22	affect your ability to give truthful and complete	22 A. -- and the cable company, I think.
23	answers?	23 Q. Sure.
24	A. No, sir. I -- I tell the truth.	24 A. Yeah.
25	Q. Is there any reason at all why you would not	25 Q. So how old were you when you started working

	Page 9	Page 11
1	for the Postal Service? I think you said '97.	1 A. Kilgore Post Office.
2	A. I believe I was 24.	2 Q. And what was the reason for the move?
3	Q. Okay. And just take me -- so you started as,	3 A. I applied for a different job just at a
4	what did you call it, a casual letter carrier. Just	4 different office, a smaller office.
5	take me through your roles from when you started as a	5 Q. What were the reasons, though, for wanting
6	letter carrier to today.	6 to -- wanting to move?
7	A. I was a little -- a casual letter carrier.	7 A. I just liked working in a smaller office.
8	Then a TE, which was called a transitional employee. In	8 Q. Okay.
9	August of '98 I become a career employee, which is a	9 A. And it was closer to home.
10	PTF. In 2001 I was promoted to associate supervisor.	10 Q. Okay. So 2005, you moved to the Kilgore Post
11	And then I believe it was 2012, a customer service	11 Office. That's the main post office, right?
12	supervisor. And then in 2011, PTF letter carrier. And	12 A. Yes.
13	then in 2014, I became a regular letter carrier.	13 Q. You were a customer service supervisor.
14	Q. What's the difference between a PTF and a	14 Why in 2011 did you stop being a customer --
15	regular --	15 customer service supervisor and become a PTF carrier?
16	A. Part-time flexible.	16 A. I -- well, basically I wasn't a team player,
17	Q. And so 2014, it was regular?	17 and so I was targeted. I -- there was, I think, a
18	A. Yes.	18 \$6 discrepancy on my travel card, and so they started
19	Q. Because that's full time?	19 looking. And I traveled a lot because I was on teams.
20	A. Yes.	20 And I basically used my card on a day I didn't
21	Q. One thing that you said confused me. You said	21 travel. And at this point, I was ready to -- I had been
22	2012 you were a customer service supervisor and then in	22 actually thinking about going back to craft anyway. I
23	2011 you were a part-time -- or PTF carrier.	23 was not happy.
24	A. Two thousand -- no, 2001 and then in -- I'm	24 Q. You weren't happy as a customer service
25	sorry. 2002. I might have said "12." 2002.	25 supervisor?
	Page 10	Page 12
1	Q. You became what?	1 A. No, I was not.
2	A. Customer service.	2 Q. And why is that?
3	Q. Oh, 2002.	3 A. It's a stressful job.
4	A. Yes.	4 Q. So would you say that you enjoyed being a
5	Q. And then 2011, PTF carrier?	5 carrier more than a supervisor?
6	A. Yes.	6 A. Absolutely.
7	Q. Okay. What was the reason for -- well, just	7 Q. Okay. You mentioned that you were not a team
8	describe what you did as a customer service supervisor.	8 player. What do you mean by that?
9	A. I supervised basically every craft in the	9 A. It actually started in 2008 during an EEO
10	postal -- in the post office: Clerks, carriers --	10 and -- for a clerk in the office. And the -- the post
11	Q. And all --	11 office attorney came in and basically tried to tell me
12	A. -- rural --	12 what I was going to say when I testified. And I told
13	Q. Oh, I'm sorry.	13 him, no, that I was not going to lie. And they lost the
14	A. -- rural, city.	14 EEO. And at that point, it really changed.
15	Q. In all of these jobs that we've been talking	15 Q. And when you say "they lost the EEO," you mean
16	about, what -- what post office was that in, or were	16 the Postal Service?
17	there different ones?	17 A. Yes.
18	A. There were different ones.	18 Q. And who was the Postal Service attorney that
19	Q. When you became a customer service supervisor	19 spoke with you?
20	in 2002, what post office was that?	20 A. I have no idea.
21	A. Tyler.	21 Q. You just said it was an EEO? Is it an EEO
22	Q. Okay. And how long did you stay at the Tyler	22 filed by an employee --
23	office?	23 A. Yes.
24	A. Until 2005.	24 Q. -- on their supervision?
25	Q. Okay. And where did you go after that?	25 A. Yes.

	Page 13	Page 15
1	Q. Do you remember the name of the --	1 on days that I had -- that I did not have travel.
2	A. Marilyn Crump.	2 Q. Okay. And there was a --
3	Q. Is she still there?	3 A. As far as I know, that's what was said.
4	A. Yes.	4 Q. And I understand there was a settlement that
5	Q. And do you remember what the nature of the EEO	5 was arrived at between you and the Postal Service out of
6	allegation was?	6 the whole travel card --
7	A. Discrimination. I believe it was gender and	7 A. Yes.
8	race.	8 Q. -- incident?
9	Q. Okay. And what's Ms. Crump's gender and race?	9 A. Yes. Because I went -- I went back to
10	A. She is a black female.	10 carrying mail. I offered to give up my position and go
11	Q. And how -- you said that the Postal Service	11 back to carrying mail.
12	attorney wanted you to lie; is that -- is that right?	12 Q. And that was part of the settlement; that the
13	A. Yes, sir.	13 dispute would be put behind you, but you would move from
14	Q. What did the attorney want you to say?	14 a supervisor position to a PTF position?
15	A. Basically that what the -- I guess what the	15 A. Yes.
16	Postmaster was saying happened happened.	16 Q. Okay. And that was in two thousand --
17	Q. And you don't remember what -- I mean, what	17 A. '11.
18	the issues were, what the Postmaster said had happened?	18 Q. -- eleven?
19	A. I know it had something to do with -- to do	19 A. Yes.
20	with her job and him wanting her to do some -- a duty	20 Q. Okay. So as a PTF carrier, was that a rural
21	that -- a window, be on the window. And he -- she --	21 or city?
22	she did not want to be on the window.	22 A. City.
23	And I mean, I wasn't -- I wasn't directly	23 Q. City.
24	involved. I wasn't named in the EEO because it was more	24 And was that -- so was that full time or
25	of an issue between him and her. But as her supervisor,	25 part-time?
	Page 14	Page 16
1	I was involved in some of the interaction.	1 A. That's part-time.
2	Q. Okay. And who was the Postmaster at the time?	2 Q. So how many hours a week would you work?
3	A. Chuck Maxwell.	3 A. Oh, I would -- I actually -- there was never a
4	Q. And did you get along with him?	4 week that I didn't have at least 40 hours.
5	A. Yes.	5 Q. Oh, okay. So it says part-time, but it's --
6	Q. Okay. You mentioned when you moved from a	6 A. Yes.
7	supervisor position back to a PTF carrier position there	7 Q. -- in reality more of a full-time job?
8	was some issue with a card. Just can you explain what	8 A. Yes.
9	you mean by "card" and what exactly the issue was.	9 Q. And so how many days out of a week would you
10	A. My travel card, when I was promoted, we're all	10 work --
11	issued travel cards. And we didn't have any, like,	11 A. Five.
12	training on any -- on when you could or couldn't use it.	12 Q. -- on average? Five.
13	I was on what's called the NRP team. And so I	13 At the time in 2011, did you live I believe in
14	had to travel back and forth to Dallas at least once a	14 the -- right now you live in Tyler; is that correct?
15	week. And sometimes I would get my gas the day before	15 A. No. I live in Overton.
16	or the day after. And apparently the way the rules are	16 Q. Overton. Okay.
17	written that I know now, is that you must have traveled	17 And did you live in Overton at the time too?
18	that particular day to use that card. And so...	18 A. Yes.
19	Q. Okay. I understand that there was an OIG	19 Q. Same house, same address?
20	investigation into that -- into your use of the travel	20 A. Yes.
21	card; is that correct?	21 Q. And would you drive to work?
22	A. Yes.	22 A. Yes.
23	Q. And do you know what the -- or what were the	23 Q. Would you say on average about five days a
24	results of the OIG investigation?	24 week?
25	A. They just put that they found that I used it	25 A. Yes.

	Page 17	Page 19
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>Q. And when you became -- or returned to a PTF city carrier position in 2011, who was your direct supervisor?</p> <p>A. I -- I don't recall. They would -- they had fill-in supervisors for a while. So I guess -- I believe Pat Beets was there as the OIC, the officer in charge when -- because the Postmaster job was not filled at the time either.</p> <p>Q. Is the OIC above the Postmaster?</p> <p>A. No. OIC is the acting Postmaster.</p> <p>Q. Oh, okay. Okay. But assuming both positions are filled, that you have a Postmaster filled and an OIC --</p> <p>A. No, you can't do --</p> <p>Q. Oh, you don't --</p> <p>A. You will not have both.</p> <p>Q. Oh, you don't have both?</p> <p>A. No.</p> <p>Q. Okay. Does the Postmaster have any supervisor over him or her in the post office? I mean, not the post office generally. But in like the Kilgore Main Post Office, --</p> <p>A. No.</p> <p>Q. -- does the Postmaster report to anybody?</p> <p>A. No.</p>	<p>Q. Okay. How -- how frequently?</p> <p>A. I believe since I've had the route that I have now, which was in December of 2014, once. I believe that is correct.</p> <p>Q. And do you remember who that supervisor was?</p> <p>A. Angie Rojas.</p> <p>Q. And when other carriers are doing their routes, you wouldn't typically or you wouldn't ever, really, ride along with other carriers when they're doing their routes, right?</p> <p>A. Myself?</p> <p>Q. Yeah.</p> <p>A. Only if I was in a training capacity.</p> <p>Q. Okay. Do you do training?</p> <p>A. I have.</p> <p>Q. Okay. Since 2011 have you done training?</p> <p>A. Yes.</p> <p>Q. Okay. Do you have access to other employees' employment records?</p> <p>A. No.</p> <p>Q. When did you first meet Cynthia Freeman?</p> <p>A. Casually, sometime during the time I was a supervisor at the Kilgore Post Office.</p> <p>Q. And what do you mean "casually"? I mean, like how would that -- how would that encounter have</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 18	Page 20
	<p>Q. How many customers -- so before 2011 you -- 2002 to 2011, you were a customer service supervisor. How many other -- were there any other customer service supervisors during that time?</p> <p>A. In Kilgore?</p> <p>Q. In the Kilgore office.</p> <p>A. No.</p> <p>Q. So you were the only one?</p> <p>A. Yes.</p> <p>Q. So then after you left that position in 2011, you're saying just people filled in for a time?</p> <p>A. Yes.</p> <p>Q. And who was the first person that filled in that position full time?</p> <p>A. I have no idea.</p> <p>Q. Okay. Would you say that you generally enjoy your job at the Postal Service?</p> <p>A. Yes.</p> <p>Q. Do you get along with your co-workers?</p> <p>A. Yes.</p> <p>Q. Do you get along with the managers?</p> <p>A. Yes.</p> <p>Q. Do supervisors ever come with you on your routes?</p> <p>A. They have, yes.</p>	<p>happened?</p> <p>A. She had a position at the plant, at the processing distribution center. And it was -- at the time, it was outside of Tyler.</p> <p>Q. Okay.</p> <p>A. And that position required her to visit post offices. And she would check, I guess, the quality of the mail. And I had encountered her a couple of times.</p> <p>Q. Okay. During those times, just those couple of times while you were still a supervisor, did you have any problems with Mrs. Freeman?</p> <p>A. No.</p> <p>Q. And I understand that you have allegations in this case that at some point --</p> <p>Well, let me ask you this: When did Mrs. Freeman become -- I understand at some point she became a customer service supervisor at the Kilgore Post Office. Is that correct?</p> <p>A. Yes.</p> <p>Q. When did she take on that role?</p> <p>A. October 2011.</p> <p>Q. Okay. And was that a full-time position?</p> <p>A. Yes.</p> <p>Q. Okay. So would she have been the first full time customer service supervisor at the Kilgore Post</p>

	Page 21		Page 23
1	Office since you were in that role?	1	A. She would -- I noticed -- I started noticing
2	A. Yes.	2	that she would single out white females, question our
3	Q. Okay. And when she started in that role, did	3	performance more. And with -- I'm not sure how to
4	you get along with her?	4	say -- I guess just question their performance more than
5	A. I did -- I did not have a lot of interaction	5	anyone else's.
6	with her, because the Postmaster runs the workroom	6	The -- the tone of the voice. The -- the
7	floor.	7	manner that she would speak to us. The -- the level of
8	Q. And in October of 2011, who was the	8	her voice when she spoke to us. It -- we're a small
9	Postmaster?	9	post office, so we can -- I could hear her talk to other
10	A. Joe McQuiston.	10	white females the way she talked to me.
11	Q. And when did he become the Postmaster?	11	And -- and that's when -- but normally she
12	A. October 2011.	12	would only on Saturday run the floor. And then I
13	Q. So he came the same month that Mrs. Freeman	13	started reporting it on Monday. But I would never say
14	did?	14	anything directly to her. I tried to just (indicating)
15	A. The same exact time.	15	keep it as pleasant as possible.
16	Q. Okay. Did you know Mr. McQuiston before that?	16	Q. When you say how she spoke to white females,
17	A. Yes.	17	what -- what white females are you talking about?
18	Q. And how did you know him?	18	A. I noticed it with Tina Jones, who was on the
19	A. He had OIC'd at the Kilgore Post Office	19	route next to mine; Sandra Anderson, who is a carrier
20	before.	20	there; the -- some of the white rural carriers. It --
21	Q. Okay.	21	and we -- you know, people would make comments about the
22	A. And also he was a station manager in Tyler --	22	way they were talked to.
23	Q. Okay.	23	Q. When you say "people would make comments about
24	A. -- when I worked will.	24	the way they were talked to," who -- who specifically?
25	Q. Say from October 2011 when Mr. McQuiston	25	A. I know Tina Jones did, I know Sandra Anderson
	Page 22		Page 24
1	began the Postmaster, before that time, up until around	1	did, I know Katrina Keith did, Cindy Reeves, Kelly
2	October 2011 time frame, did you have any problems or	2	Watson, Mae Ward, Sheila Hooks, Rachel Knoble, Angie
3	issues with Mr. McQuiston?	3	Lopez. There's quite a bit.
4	A. No.	4	Q. So all those people that you mentioned, were
5	Q. Would you say that he was a good manager?	5	you -- did you witness personally any interaction
6	A. He -- he knows his job.	6	between Mrs. Freeman and those witnesses?
7	Q. What about Mrs. Freeman, would you say that	7	A. Some of them, yes.
8	she knew her job?	8	Q. Which ones?
9	A. Not the customer service side. It -- you	9	A. Tina Jones, Sandra Anderson, Cindy Reeves,
10	know, at the beginning, of course, I mean, she was	10	Kelly Watson, Sheila Hooks. I believe there could have
11	learning.	11	been -- I believe there was one with Katrina Keith.
12	Q. Okay. But did she -- in your mind, did she	12	There were, you know, quite a few different ones.
13	ultimately perform that job satisfactorily?	13	Q. Let's just say for Tina Jones, for example,
14	A. I assume. I mean, that would be her boss's	14	what did Mrs. Freeman say to Tina Jones that you -- I
15	judgment to make, --	15	mean, what was wrong with how -- in your mind with how
16	Q. Okay.	16	Cynthia Freeman interacted or spoke to Tina Jones?
17	A. -- not mine.	17	A. She would -- I'm trying to remember if I --
18	Q. And I understand at some point -- well, you	18	the exact instance. Mainly it was when she would ask
19	make allegations that Mrs. Freeman created a hostile	19	about, say, a carrier taking a little more time than
20	working environment. Can you just describe -- well,	20	they were authorized or whatever.
21	first of all, when did that begin?	21	Which is fine. There's absolutely nothing
22	A. Around spring 2012.	22	wrong with us being questioned.
23	Q. And what do you mean by "hostile"? What --	23	Just the tone she would use that the -- she a
24	what exactly did she do that was hostile or wrong in	24	lot of times would scream at people when they were
25	your opinion?	25	walking across the workroom floor. It's just a -- it's

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1 just a hostile type of voice that she used. And a lot
 2 of -- most of the time it was loud enough for us all to
 3 hear it, and so it's hard not to hear other.

4 Q. Did you ever see Mrs. Freeman raise her voice
 5 to any of the male employees?

6 A. I don't believe so.

7 Q. What about any of the female non-white
 8 employees?

9 A. I don't believe so.

10 Q. Okay. But apart from the tone of voice, did
 11 you ever hear Mrs. Freeman make any racially charged
 12 comments to any of the white employees?

13 A. I don't -- not that I can recall at the
 14 moment.

15 Q. So the -- the comments or the -- the tone of
 16 voice and statements that you identified that
 17 Mrs. Freeman made to the white female employees, did
 18 those comments relate to anything other than issues
 19 dealing with the work that they were doing for the
 20 Postal Service?

21 A. There would be -- I'm not -- I'm trying to
 22 think of the -- there would be most of it would have to
 23 do with post office, you know, performance and stuff I
 24 guess. But it was -- I'm not recalling a specific
 25 instance at the moment. But...

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1 Q. And so during this time you were a PTF city
 2 carrier, --

3 A. Yes.

4 Q. -- correct?

5 And how -- you would work on average about
 6 eight hours a day?

7 A. Yes.

8 Q. Of those eight hours, how many hours would you
 9 be -- or how much time would you spend in the -- in the
 10 physical post office itself?

11 A. Usually an hour to an hour and a half in the
 12 morning.

13 Q. Okay.

14 A. And then a very few minutes in the afternoon.

15 Q. Okay. And the rest of the time, you would be
 16 on your route?

17 A. Yes.

18 Q. And for the most part, you would be on the
 19 route by yourself, correct?

20 A. Yes.

21 Q. And I think you said that the -- the comments
 22 that you identified that Mrs. Freeman made about the
 23 tone of voice and whatnot started around spring 2012; is
 24 that correct?

25 A. I believe so.

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1 Q. Okay. Do you recall specifically any comments
 2 that she made to you around that time frame that you
 3 found objectionable?

4 A. Yes.

5 Q. And what were those?

6 A. There was one that particularly that sticks
 7 out. Was -- I had a -- as a PTF, as any sub city
 8 carrier, you can have a -- what's called a "mini bid" on
 9 a route. So if a regular route is vacant for a period
 10 of time, then you put a mini bid in on it and then you
 11 are treated as the regular on that route.

12 And as so, the postal management under our
 13 contract is not allowed to take -- is not allowed to
 14 take any of that route away from you to give you
 15 somebody else's route. They can take your overtime
 16 away, but -- but they could not take it away from --
 17 take it away from this route and give me another route.

18 Well, Overton, which is about 12 miles away,
 19 their post office was moved -- their carriers were moved
 20 into the Kilgore Post Office. So on average, two city
 21 carriers have to go to Kilgore every day to carry mail.
 22 So they have to travel to Kilgore and back.

23 And on this particular day our cases are lined
 24 up on the workroom floor. And behind them are the racks
 25 that have our DPS, which is the letter mail that comes

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1 in order in trays.

2 And I had walked around and was back here
 3 behind the cases with my DPS. And Gary Ryan, who is a
 4 fellow carrier, came up and he said, which part of your
 5 route are you giving off? And I said, what are you
 6 talking about? And he said, well, Cynthia said she's
 7 going to take some off of your route so that you can go
 8 to Overton. And I said, oh, okay.

9 And I -- because I would never -- never
 10 confront her because of the -- the way she spoke to me,
 11 I just made a comment to him, I said, okay, well, I'll
 12 just -- I'll talk to Joe and make sure he understands
 13 that she's violating the contract and go on with it.
 14 Wasn't even planning on filing a grievance, which I
 15 could have.

16 And -- and so he -- he's like, okay. And that
 17 was the end of our conversation.

18 Well, I came back around the case. And
 19 unbeknownst to myself, Jeff McCann, who is a carrier,
 20 had gone to Cynthia and explained to her that she was
 21 violating the contract and that I could file a grievance
 22 because she was taking off of this route that I had a
 23 mini bid on to -- to get me to go to Overton.

24 And so I come around the case and I'm standing
 25 in the middle of the workroom floor. And I just said,

<p style="text-align: right;">Page 29</p> <p>1 what part of my route do I need to pull off? And she 2 started screaming at the top of her voice to me, 3 you're -- I'm not taking anything off. You're not -- 4 you're not filing a grievance on me. You're not filing 5 a grievance on me. 6 She's screaming. The whole entire post 7 office -- because we're in like a -- probably a 8 rectangle. And the -- so the rural carriers were over 9 here and the city carriers are over here (indicating). 10 Everything just stopped. And everybody was just like 11 (indicating). And I was just like, okay. And I just 12 went back to work. 13 And then Jeff McCann came to me and he's like, 14 I am so sorry. He's like, I was just trying to let her 15 know that she is violating the contract. And I did not 16 know that was going to -- that was going to happen. I'm 17 so sorry. 18 And I was like, you know, it's fine. And you 19 know -- and that was just one that really stuck out. 20 But, you know, I wasn't surprised at that point. 21 Q. You might not know exactly, but do you 22 remember approximately when that -- when that whole 23 incident happened? 24 A. I'm -- I would think it was -- it was in the 25 summer. I believe it was a weekday because -- and I</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. And of that hour -- 2 A. -- typically. 3 Q. Say on the Saturdays of that hour, hour and a 4 half, how much time would you spend interacting with 5 Mrs. Freeman? 6 A. Only if I had a question or if she came to me 7 with a question or to tell me what my leaving time is. 8 Q. Okay. This incident where you said that 9 Mrs. Freeman raised her voice, you said that there were 10 other employees around. Who -- who specifically 11 witnessed that incident? 12 A. I know Jeff McCann did and Gary Ryan. They 13 were involved. Really, every carrier on the floor, I'm 14 sure. 15 Q. Okay. 16 A. I couldn't tell you the exact who was there 17 that day. 18 Q. Okay. But other than Jeff McCann, Gary -- 19 Gary who? 20 A. Ryan. 21 Q. -- Ryan, just right now to your recollection, 22 you can't think of any specific people that would have 23 witnessed that? 24 A. I believe Sandra Anderson was there and I 25 believe Efron Fryer was there. I believe Tina Jones was</p>
<p style="text-align: right;">Page 30</p> <p>1 guess -- I don't know if Joe was on vacation and that's 2 why she was running the workroom floor. I -- I don't 3 remember the exact date, no. 4 Q. So who -- who would ordinarily run the 5 workroom floor? 6 A. Joe McQuiston. 7 Q. So how much interaction would you have on a 8 daily basis generally with Mrs. Freeman? 9 A. Not very much on a daily basis. 10 Q. And by "not very much" -- you said you were in 11 the office maybe, what, an hour and a half? 12 A. She's not there -- 13 Q. An hour, hour and a half? 14 A. -- during that time. 15 Q. She wouldn't be there? 16 A. No. Only on Saturday when he's off. 17 Q. Okay. 18 A. Which is his day off. 19 Q. Okay. So she would only be there one day of 20 the week -- of the -- of your work week essentially? 21 A. On average, yes. 22 Q. On average. Okay. 23 And on that one day, you would only be in the 24 post office for how long? 25 A. An hour to an hour and a half --</p>	<p style="text-align: right;">Page 32</p> <p>1 there. The rural carriers, I'm not sure who was -- 2 Q. Okay. 3 A. -- or the clerks. 4 Q. And you said summer 2012. Do you -- would 5 this have been early summer, late summer? 6 A. I have no -- 7 Q. You don't -- 8 A. -- idea. 9 Q. -- you don't remember. 10 And you said that in your mind the -- the -- I 11 guess we'll just call it like the "route dispute." 12 A. Uh-huh. 13 Q. Is that -- is that fair, just for shorthand? 14 A. I guess. 15 Q. That that -- what -- well, let me put it this 16 way. In your mind, what Mrs. Freeman was doing was in 17 violation of a contract you said? 18 A. We have a contract -- 19 Q. A contract -- 20 A. -- with the union. 21 Q. -- between who? 22 A. Union and the NALC. 23 Q. Okay. 24 A. Which is the letter carrier union and the 25 Postal Service.</p>

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1 Q. So you thought Mrs. Freeman had violated the
 2 union Postal Service contract. Did you -- what action
 3 did you take to dispute that or try to fix it?

4 A. Any time anything happened that I knew that
 5 she was, you know, violating the contract, I would wait
 6 until Joe McQuiston came back to work and I would just
 7 say, hey, you might want to let her know that this is --
 8 you know, this is -- you know, that this is violating
 9 the contract or whatever.

10 Because I went out of my way not to, I guess,
 11 try to aggravate her because, you know...

12 Q. Okay. Tell me specifically, you know, for
 13 example, for this -- this route dispute that you thought
 14 was in violation of a contract. You go to Joe
 15 McQuiston. What did you, to your recollection, tell
 16 him?

17 A. I told him about what -- you know, what she
 18 was -- you know, that she was planning on taking off the
 19 route. Which she did not. After Jeff McCann told her
 20 that she was violating the contract, she did not take it
 21 off of my route. She did not take any off of my route.
 22 I guess she just found someone else, I'm not sure.
 23 But I told him about what happened about me
 24 telling Gary Ryan that I was going to, you know, just
 25 tell him. You know, just let him know, hey, you know,

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1 just might -- because it could cause -- if someone
 2 pushed the issue, they could file a grievance.
 3 But I was not planning to file a grievance. I
 4 was going to do as I was told by my supervisor.

5 Q. Apart from what you just said, can you think
 6 of anything else that --
 7 (Watch beeping.)

8 A. I'm sorry. I don't know how to do this. I'm
 9 trying to -- this is new, and I don't know how to turn
 10 this off.

11 (Discussion off the record.)

12 Q. (By Mr. Visosky) Okay, Mrs. Cox, apart from
 13 what you just told me that you told Mr. McQuiston, can
 14 you think of anything else that you told Mr. McQuiston
 15 about that incident?

16 A. About that particular incident?

17 Q. Uh-huh.

18 A. I don't believe so. I just -- I told him, you
 19 know, what she had planned to do and that, you know,
 20 hey, just make sure maybe --

21 (Watch beeping.)

22 A. I'm so sorry.
 23 -- that --

24 Well, I thought I had it. I tried to put it
 25 on airplane mode. You think if I just turned off my

1 phone?

2 MS. FISHER: Just take a minute if you
 3 don't mind.

4 MR. VISOSKY: Yeah.
 5 (Discussion off the record.)

6 A. But I told him, you know, about that she, you
 7 know, just -- you might just make sure she knows. And
 8 then I told him about her screaming at me and what she
 9 said. And that was it.

10 Q. (By Mr. Visosky) What was Mr. McQuiston's
 11 response, what did he do?

12 A. He -- he would either say, she's all right.
 13 Because I've -- there was repeated times that I reported
 14 different things to him. So he would either say, I'll
 15 talk to her; okay, I'll talk to her. Or, she's all
 16 right.

17 Q. And were you satisfied with that answer?

18 A. Yes. I mean, that's really all I wanted was
 19 for him to take care of the issue.

20 Q. And did he take -- I mean, did he take care of
 21 it?

22 A. It continued, so I guess not. I...

23 Q. So -- so Mrs. Freeman took some action with
 24 relation to your route that you thought was violating
 25 the union contract. Did you ever file a grievance

1 because of this?

2 A. She didn't actually do it.

3 Q. Oh, she didn't do it?

4 A. After she screamed at me, she -- that's what
 5 she screamed at me, that I'm not taking any off your
 6 route. I'm not -- you're not filing a grievance on me.
 7 But she's screaming this.

8 Q. Okay. But that --

9 A. And --

10 Q. Sorry.

11 A. On the workroom floor.

12 Q. But that was the result that you wanted
 13 ultimately, right? I mean, not the screaming part, but
 14 just the --

15 A. For her not to take off the route?

16 Q. Right.

17 A. That was the correct -- that was the correct
 18 route for her to take.

19 Q. Okay.

20 A. Because it is a violation of the union
 21 contract.

22 Q. So apart from this -- this route incident

23 we've been talking about, did you have any other
 24 interactions with Mrs. Freeman where you thought that
 25 what she did was inappropriate or hostile towards you?

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1	A. Definitely. Numerous times she would say things like -- she would come and ask me something about my time or -- or something. And I -- and I would always -- you know, I do the best I can.	1	A. There are twelve rural routes, so twelve carriers there. And there are seven full city routes and two auxiliary routes. So anywhere from seven to nine average city carriers.
2	And there -- on more than one occasion she would say things like: Well, your best ain't good enough; or, you know, that's not good enough; you have -- you have to do better. That type of thing.	2	Q. Did you ever tell Mr. McQuiston that you thought that Mrs. Freeman was -- spoke to you in an inappropriate way to your mind because of your race or gender?
3	Q. Like how many times would you say that that -- that things like that happened?	3	A. Yes.
4	A. Pretty much became a regular occurrence, especially for the last two months, which would be, I guess, July and August, some in June probably, of 2012.	4	Q. And -- and what specifically were you upset about that?
5	Q. And when you say "regular occurrence," like how -- well, I guess Mrs. Freeman was only there where you were with her at the same time -- or you were both even working the same day at the post office in Kilgore on Saturdays, right?	5	A. I started when this all began saying she is singling out the white females. And then it became more she's singling out me.
6	A. Yes.	6	Q. And what was Mr. McQuiston's response when you would tell him that?
7	Q. So in July and August, how many of those Saturdays would Mrs. Freeman say or do something you thought was inappropriate or hostile to you?	7	A. He would always say either, oh, she's all right, or I'll talk to her.
8	A. Pretty much every Saturday I was there.	8	Q. Okay. And can you -- can you narrow it down. And if you can't, that's fine. But you mentioned July, August 2012, a specific time frame that you would have spoken to Mr. McQuiston about Mrs. Freeman's conduct?
9	Q. Okay. And apart from what you said earlier about the "your best isn't good enough" and -- and	9	A. Narrow -- narrow --
10		10	Q. Well, I mean, just July, August is what you
	Page 38		Page 40
1	things of that nature, anything specifically you remember Mrs. Freeman saying that you thought was inappropriate?	1	said of the 2012 time frame. Are there specific dates
2	A. It was usually -- the only type of interaction I would have with her would be to do something with my work. And those were usually the -- the basic comments she would make. I don't recall --	2	or -- or ranges within that time frame where you have --
3	Q. Okay. That's fine?	3	would have spoken with Mr. McQuiston?
4	A. -- at the time the exact things she said.	4	A. I believe the July, August is the time frame
5	Q. And during this time frame, July and August when Mrs. Freeman on the Saturdays would -- would say something you felt was inappropriate, did you ever talk with Mr. McQuiston about it?	5	that I was being singled out. The report of white
6	A. Yes. Every Monday before -- the after. Or if I wasn't there or he wasn't there on Monday, the Tuesday after every single occurrence, I would report it to him.	6	females actually started before that, probably in the
7	Q. And what did -- what would you tell him?	7	spring. That's why I said spring and summer of 2012.
8	A. I would tell him exactly what was said and the manner it was said. It started with pretty much all the white females. But by this point, it became more me. And so I -- I didn't -- at the time I didn't know really what to think. You know, why -- why am I being singled?	8	Q. Okay.
9	Q. How many other -- I mean on average, how many other carriers would be in the -- working on a Saturday at the Kilgore Post Office?	9	A. And so by July, August, I'm being singled out.
10		10	Q. So you're saying starting in spring 2012, somewhere around that -- that time frame, you would have told Mr. McQuiston or made some kind of complaint to him about Cynthia Freeman's treatment of white females?
11		11	A. Yes.
12		12	Q. Okay. And did Mr. McQuiston ever respond or take any action that you thought, you know, was satisfactory in response to your complaints?
13		13	A. I have no idea what he did.
14		14	Q. Okay. Did you ever file any EEO complaints
15		15	arising out of those -- the complaints that you had
16		16	about Mrs. Freeman during that time?
17		17	A. No.
18		18	Q. Why not?
19		19	A. I guess I just figured that he would deal with
20		20	it eventually. I -- I don't know. I -- I didn't really
21		21	
22		22	
23		23	
24		24	
25		25	

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1	know a whole lot about the EEO process at that time.	1	say and do and...?
2	I figured he was dealing with it and, you	2	A. She just took me to the hospital.
3	know, if I reported enough, then it will stop. Because	3	Q. Okay. Was she -- was she nice to you during
4	I continued to report.	4	this time?
5	Q. Did you think that, you know, you were still	5	A. She didn't really speak.
6	able to do your job as a carrier, notwithstanding	6	Q. Didn't say anything?
7	whatever Mrs. Freeman was doing, and that you would just	7	A. Not -- no.
8	deal with whatever?	8	Q. Nothing.
9	A. Yes, I did my job.	9	Did she ask you how you were or anything like
10	Q. Did your job performance suffer in any way	10	that?
11	during that time period?	11	A. No.
12	A. I don't believe so.	12	Q. No? Okay.
13	Q. Did you receive any discipline during that	13	But she drove you to the hospital?
14	time period?	14	A. Yes.
15	A. No.	15	Q. Okay. And did she wait with you in the
16	Q. Okay.	16	hospital?
17	Okay. So you had an accident in -- I believe	17	A. Yes.
18	it was August 21st, --	18	Q. Was it the emergency room or --
19	A. Yes.	19	A. Yes.
20	Q. -- 2012.	20	Q. And who did you see there?
21	Just explain briefly how that -- how that	21	A. It was Good Shepherd Medical Center. I'm not
22	happened.	22	sure --
23	A. I was -- had pulled my mail truck up and	23	Q. Okay.
24	parked it where it was at -- there's -- it's kind of an	24	A. -- of the physician.
25	odd curb. The curb -- it's a regular curb, and then	25	Q. And how long were you at the doctor's office?
	Page 42		Page 44
1	there's an elevated piece of concrete that angles down	1	A. I have no idea.
2	and merges with the lower concrete.	2	Q. Okay. And was Mrs. Freeman there the whole
3	And I had -- I was going to have to go inside	3	time?
4	of a business where the vehicle was going to be	4	A. Yes.
5	completely out of view. And there were people present.	5	Q. And did she drive you back?
6	So I rolled up my window and stepped out of	6	A. Yes.
7	the vehicle, and turned and locked the vehicle. And	7	Q. Okay. And did you continue -- you obviously
8	when I turned, I was by right where they merge. And my	8	didn't continue working that day, right? You went home
9	foot got caught on that little lip there, and I fell.	9	or...?
10	Q. Okay. And I guess Postal Service policy, did	10	A. I was told to fill out some paperwork.
11	you call someone, a supervisor or someone?	11	Q. Okay.
12	A. Yes.	12	A. And I believe by the time that -- it was close
13	Q. Who did you call?	13	to the end of the regular workday for myself anyway.
14	A. I believe I talked -- I'm not sure if Joe was	14	I'm not sure of the exact time.
15	there that day. I know Cynthia was the one that came	15	(Exhibit 1 marked.)
16	after. It was about 30, 30 to 40 minutes I sat there	16	Q. (By Mr. Visosky) All right. Mrs. Cox, I'm
17	and waited for her.	17	handing you what's been marked as Exhibit 1 to your
18	Q. And so was this a Saturday or...?	18	deposition.
19	A. The 21st? No, it was not a Saturday.	19	And I believe the first part -- I mean, just
20	I believe maybe Joe was working that morning.	20	looking in it, it's a -- it's a report of accident from
21	But I'm not sure who I talked to when I called the post	21	your August 21st accident. But I want you to turn, if
22	office, but she was sent --	22	you look at the bottom of these pages, there's a USPS
23	Q. Okay.	23	number. It's number 2853?
24	A. -- to take me.	24	MS. FISHER: 2853?
25	Q. And once she got there, I mean, what did she	25	MR. VISOSKY: Yeah.

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1	MS. FISHER: Okay.	1	phone.
2	Q. (By Mr. Visosky) This is your CA-1 form,	2	Q. And why is that?
3	correct?	3	A. The NRP process.
4	A. Yes.	4	Q. And what's NRP?
5	Q. And can you describe generally what is a CA-1	5	A. It's basically where they were -- they sent
6	form?	6	permanent limited duty people home, I guess. Where --
7	A. That's just the form that -- that you have to	7	whereas, the post office was being required to find work
8	fill out when you have an accident.	8	for them, they stopped. And so they would send them
9	Q. Okay. Is that your signature?	9	home, and OWCP was paying them.
10	A. Yes.	10	Q. Oh, okay. So there were people that under
11	Q. And does this appear to be a true and correct	11	some kind of rule or regulation had to answer the phones
12	copy of your CA-1 form?	12	because that was the only function that they could
13	A. I believe so.	13	perform under whatever you're talking about, NRP?
14	Q. Okay. And let's see. You dated this	14	A. But before this point.
15	August 21st, 2012, the date of your accident, correct?	15	Q. Okay.
16	A. Yes.	16	A. But by this point, I believe they were already
17	Q. And so what happened is, you have the accident	17	all sent home.
18	on August 21st, you submit the CA-1 form. Did you -- do	18	Q. So there was no one there at the time?
19	you take any leave time after that? Or just kind of	19	A. The office people; the clerks and --
20	tell me how you -- how the accident affected your --	20	Q. Okay. So what --
21	your work.	21	A. -- the supervisors.
22	A. I believe they -- I believe they made me take	22	Q. Okay. So?
23	three days of sick leave, if I remember correctly.	23	A. -- or supervisor and Postmaster.
24	That's -- as far as I remember, that's what happened.	24	Q. So why couldn't you answer the phones?
25	Q. And when you say they made you take sick	25	A. I was told that it was a -- not a function
	Page 46		Page 48
1	leave, I mean, who are you talking about?	1	that a limited duty person was allowed to do.
2	A. That's what Joe said --	2	Q. Allowed to do under some kind of policy or
3	Q. Okay.	3	procedure?
4	A. -- when...	4	A. I guess.
5	Q. And that was paid sick leave?	5	Q. Okay. And you couldn't drive your route
6	A. I have -- I have sick leave, yes.	6	during this time, right?
7	Q. And you're paid on those --	7	A. Yes. Correct, I could not.
8	A. Yes.	8	Q. Okay. And so what would -- so you're in the
9	Q. -- when you use sick leave? Okay.	9	passport room. Did you have any -- I mean, any
10	So you were on sick leave three days. Then	10	responsibilities or duties during that time?
11	what happened after that?	11	A. No.
12	A. I was on limited duty. And so they had me sit	12	Q. But you were paid during that time?
13	in a room for eight hours.	13	A. Yes.
14	Q. And what room was that?	14	Q. And paid the same as if you had been --
15	A. There's a room at the front of the post	15	A. Yes.
16	office. They use it for the passport office -- passport	16	Q. -- carrying your route?
17	office now.	17	Did you have any complaints about the actions
18	Q. Okay. And what was it at the time, was it the	18	that they -- that the Postal Service took to accommodate
19	passport office at the time?	19	your work restrictions of putting you in the passport
20	A. I don't think so.	20	room?
21	Q. Okay. And are there phones and stuff in	21	A. I didn't complain to anyone. I didn't say
22	there?	22	anything.
23	A. There is.	23	Q. Okay. But I mean, in this lawsuit, do you
24	Q. And what was your duties in the room?	24	have any complaints? Are you alleging that there was
25	A. I was told I was not allowed to answer the	25	anything wrongful in that that the Postal Service did?

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1	A. No. I figured they were doing what they were told to do.	1 August 30th, 2012, you were still on your medical restrictions, correct?
2	Q. And so how long -- how many days did you do your job, you know, in that room when you couldn't carry your route?	3 A. Yes.
3		4 Q. And just explain who was holding the sale,
4		5 what -- I mean, was it a neighborhood? Just kind of
5		6 explain what it was and why you wanted to go.
6	A. I believe there was only four, maybe five total days.	7 A. Ronnie Sartors, it's his parents -- in-laws,
7	Q. Okay.	8 and they had both passed away. And the estate sale
8	A. It wasn't -- it wasn't a lot.	9 was -- it was outside of Overton.
9	(Exhibit 2 marked.)	10 I had -- you know, my oldest daughter was
10	Q. (By Mr. Visosky) I'm handing you what's marked as Exhibit 2.	11 getting ready to move out. And, you know, I figured
11	MS. FISHER: Thank you, sir.	12 there would be stuff that she -- spatulas and stuff like
12	Q. (By Mr. Visosky) And once you've had a minute to look that over, can you just describe for the record what this is.	13 that that I had but she did not that she could use. And
13		14 so I went to look.
14	A. This is the form where the post office on the left side says that these are my work duties, these are -- the times you see there are roughly how many hours a day that I do each of the different A through L.	15 Q. And did you go with anyone else?
15	And then on the right side is what the physician says that I can do these this many hours for -- in a day at work.	16 A. No.
16	Q. Okay. And I think just within the government, this is called a CA-17 form. Does that sound familiar	17 Q. And how did you get there?
17		18 A. Drove.
18		19 Q. And what kind of car do you have?
19		20 A. I had a Lincoln Navigator at the time.
20		21 Q. You mentioned Ronnie Sartors. I believe he
21		22 was a former Postal Service employee. Did you know him personally?
22		23
23		24 A. He's from Overton, yes.
24		25 Q. Okay.
	Page 50	Page 52
1	to you?	1 A. And worked at the Overton Post Office.
2	A. That's the form number that's at the bottom, yes.	2 Q. Was he a friend of yours?
3	Q. And does this appear to be a true and correct copy of the CA-17 form listing your work restrictions after the August 21st, 2012 accident?	3 A. Acquaintance. I really didn't -- I don't hang out with him.
4		4 Q. Okay.
5		5 A. He was a retired postal supervisor.
6		6 Q. And so other than Mr. Sartors, was there anyone else at the estate sale that you knew?
7	A. I believe so.	7 A. I knew Debbie Isaacs, she was a -- or is a rural carrier at the Kilgore Post Office. She's actually an Overton carrier that's now at Kilgore.
8	MR. VISOSKY: Are y'all doing okay? I'm with to shift gears.	8 And I knew Nancy Spencer. She was the mother -- or is the mother of a -- of a girl that I know that worked at the New London Post Office.
9		9 And I kind of in passing knew Glenda. I think her last name was Baker. She lives just a couple of houses down from me. And her husband is a retired clerk from the Henderson Post Office and worked with Joe when he was a carrier there.
10	MS. FISHER: I was going to tell you when you got to a breaking point --	10 Q. That reminds me of something. Who -- who would you say, are you friends, personal friends with anyone you work with at the Kilgore Post Office?
11		11 A. There's a few.
12	MR. VISOSKY: Yeah.	12 Q. Who would you say that you're -- you're closest with at that -- at that office, just some of --
13	MS. FISHER: -- maybe a quick break --	
14	MR. VISOSKY: Off the record.	
15	(5-minute break taken.)	
16	MR. VISOSKY: Are y'all ready.	
17	MS. FISHER: Yes, sir.	
18	Q. (By Mr. Visosky) Okay. Mrs. Cox, we're back on the record. Just want to talk about, you know, the estate sale thing.	
19		
20	So you have your accident on August 21st, 2012. You're put on medical restrictions that are reflected in Exhibit 2, correct?	
21		
22		
23		
24	A. Uh-huh.	
25	Q. And so at the time of the estate sale on	

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1 Branch 132 NALC. And now I believe he's the vice
 2 president.

3 Q. When did you -- okay.

4 From the time of the August 31st meeting with
 5 OIG, when did you resume your letter carrier duties, do
 6 you remember?

7 A. April 19th, 2013.

8 Q. Okay. So -- so between that meeting and
 9 your -- when you received the notice of removal -- I
 10 think the notice of removal was effective November 15th,
 11 2012; is that -- is that right?

12 A. To the best of my knowledge.

13 Q. Okay.

14 A. I couldn't tell you the exact day.

15 Q. So from the time of your accident on
 16 August 21st until the time you returned in April of
 17 2013, you never went back to your -- doing your city
 18 carrier route, right?

19 A. No.

20 Q. Okay. Do you remember when you -- when you
 21 were informed that -- that your -- that you were being
 22 terminated essentially?

23 A. I received the letter of removal in the mail.

24 Q. Oh, in the -- okay. In the mail?

25 A. Yes.

1 Q. And at some point you filed an EEO case,
 2 correct?

3 A. Yes.

4 Q. And did you do that on the advice of anyone,
 5 or did you come to that decision on your own?

6 A. Actually on the advice of the union.

7 Q. Okay. And were they helping you through that
 8 process?

9 A. The EEO process?

10 Q. Yeah.

11 A. No. They didn't -- they will only deal with
 12 the contractual issues.

13 Q. Okay. But ultimately through the grievance
 14 process, there was ultimately an arbitration, correct?

15 A. Yes.

16 Q. Okay.

17 A. For the second one. The first one was
 18 settled.

19 Q. Okay. And the arbitrator essentially agreed
 20 with you that the notice of removal was -- was
 21 unjustified, correct?

22 A. Yes.

23 Q. And so he or she awarded you full restoration
 24 of lost pay and benefits, correct?

25 A. Back pay, yes.

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1 Q. Okay. And then after getting that, I guess at
 2 some point you filed a grievance related to the removal?

3 A. The -- there were -- was a grievance filed.

4 Because when he put me off the clock, he put me off the
 5 clock on what's called a 16-7. It's a emergency
 6 placement, I believe is what it's called. Something
 7 like that.

8 And so there was -- there was a grievance
 9 filed on that. And then once the letter of removal was
 10 issued, we filed a grievance on that.

11 Q. Okay. During the grievance process -- and
 12 during that you had representation from the union,
 13 correct?

14 A. Yes.

15 Q. Did you ever during the grievance process
 16 contend or argue that the reason that you got the notice
 17 of removal or received any form of discipline related to
 18 the allegation that you violated your work restrictions,
 19 during that grievance process, did you ever contend or
 20 allege that the reason these actions were being taken
 21 against you was because of any form of retaliation for
 22 engaging in protected activity?

23 A. I couldn't tell you exact. I'm sure I
 24 probably did with my union representation, but they will
 25 only deal with a contractual issue.

1 Q. And did you receive that?

2 A. Yes.

3 Q. And in this lawsuit, you're not claiming or
 4 seeking any damages or money for that -- that time frame
 5 between when you were terminated -- your termination was
 6 effective and --

7 MS. FISHER: I'm just making sure she
 8 knows --

9 MR. VISOSKY: Yeah.

10 MS. FISHER: -- I'm going to place an
 11 objection.

12 MR. VISOSKY: Sure.

13 MS. FISHER: Go ahead.

14 Q. (By Mr. Visosky) Let me re-ask it.

15 In this lawsuit, are you claiming any -- well,
 16 let me ask it this way: Is there any part of this
 17 lawsuit where you're seeking damages for pay or benefits
 18 during the time between when your termination was
 19 effective and you returned to work in April 2013 that
 20 you were entitled to but didn't receive?

21 A. No.

22 Q. And I'm not talking about -- I understand you
 23 have compensatory claims and that sort of thing.

24 So once your termination was effective or even
 25 before that when you found out about it, did you apply

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1	for any -- any jobs to support either yourself or your 2 family? 3 A. I applied for unemployment. 4 Q. Okay. Unemployment compensation? 5 A. Yes. 6 Q. Okay. And that was with the Texas Workforce 7 Commission? 8 A. Yes. 9 Q. Okay. And how long did that whole process 10 take? 11 A. I believe I filed in December of 2012, and my 12 claim was denied. I appealed it. I won the appeal. I 13 believe I received the first check in March of 2013. 14 Q. Okay. So apart from applying for unemployment 15 compensation, did you apply for any jobs? 16 A. I was required through the Texas Workforce 17 Commission to do a search on their website for jobs that 18 I was qualified for. And there were no jobs within my 19 area that I qualified for, but I did do my searches. 20 Q. When you say jobs that you were qualified for, 21 what do you mean? I mean, what would you consider a job 22 that you were qualified for? 23 A. Carrying mail. Computer work. That was 24 basically the -- what I had done in the last 20 years, 25 or 15 at the time.	1 your attorney a copy of an MP3 file that included a 2 recording. I would just like to play it -- not the 3 whole thing for you, because I understand there's not a 4 whole lot in the beginning of it. 5 Let me just start it up here. 6 MR. VISOSKY: And this, for the record, 7 is on a CD that's been marked as Exhibit 5 to the 8 deposition. 9 A. I believe it's probably the last two minutes. 10 (Video clip begins.) 11 Q. (By Mr. Visosky) First of all, just while this 12 is going on in the background, we're hearing kind of 13 a -- let me turn down the volume. 14 What -- what is this? What are we listening 15 to right now? 16 A. This is me walking. 17 (Video clip stopped.) 18 Q. (By Mr. Visosky) Okay. 19 A. That noise, the beep you heard was my badge, 20 me coming in the back door. I on this particular day 21 received a phone call from a fellow carrier saying that 22 I had a -- an additional hamper of packages that were 23 not by where my case is or where my original hamper of 24 packages were that I was unaware of. And so I drove 25 back to the Post Office. And the beginning of it is me
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1	Q. After you received or found out about the -- 2 the termination, did you seek any medical help during 3 that time? 4 A. Medical...? 5 Q. I mean, did you go to any doctors for any 6 reason? 7 A. Relating -- 8 Q. Yeah. Let's say related to your receipt of 9 notice of removal. Did that affect you emotionally? 10 A. Yes. 11 Q. Okay. And -- well, first of all, just 12 describe, you know, how it affected you emotionally. 13 A. I think I went through every emotion there was 14 on a daily basis. You know, anger, upset. All of it. 15 Q. Did you seek any medical treatment for any 16 emotional distress you may have suffered from the 17 termination? 18 A. Can I get some water? 19 MR. VISOSKY: Absolutely. Let's just 20 take a break. 21 (9-minute break taken.) 22 (Exhibit 5 marked.) 23 Q. (By Mr. Visosky) All right, Mrs. Cox, we're 24 back on the record. 25 I did just want to ask you, we received from	1 loading all of these packages and -- 2 Q. And -- I'm sorry. 3 A. Go ahead. 4 Q. What day was -- was this recorded? 5 A. April the 26th, 2013. 6 Q. And what day did you return to work after you 7 received the arbitrator's award? 8 A. April 19th, 2013. 9 Q. So this is a week after you returned to work? 10 A. Yes. 11 Q. And why did you decide to record you walking 12 into the Post Office? 13 A. The main reason is because when I came back 14 in, I realized that Joe was not -- who had been there at 15 the Post Office that morning, but he was not there and 16 Cynthia Freeman was. 17 Q. And so why would that make a difference of 18 why -- if Joe wasn't there, why would you -- 19 A. Because at this point, I had already had 20 two -- at least two different interactions with her 21 where she was continuing the behavior of before I -- my 22 removal. 23 Q. Okay. So did -- when you were walking in to 24 the Post Office this day, April 26th, did you expect to 25 speak with Mrs. Freeman?

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>A. I knew I had to.</p> <p>Q. Okay. And how did you know that?</p> <p>A. Because I was required to drive back to the Post Office and load these packages and drive back to my route, which takes time. And everything to do with the city carrier's job --</p> <p>Q. Okay.</p> <p>A. -- is about time.</p> <p>Q. Okay. And so you were -- had you already done your route for the day?</p> <p>A. No. I had already begun my route, but I wasn't very far --</p> <p>Q. Oh, okay.</p> <p>A. -- into the route.</p> <p>Q. I misunderstood you. So you were already out --</p> <p>A. Yes.</p> <p>Q. -- on your route.</p> <p>Then you get a call from one of your fellow carriers that there's an additional hamper?</p> <p>A. Yes.</p> <p>Q. Okay. And, I mean, what does that mean? When you get the mail from the Post Office to your mail truck or whatever, what's that mean, there's an additional hamper?</p>	<p>1 yeah, he said, that was my fault. I had -- you know, I forgot to tell you that you had another package -- hamper.</p> <p>4 And it was not there. There's all kinds of other equipment that other people use, so it's kind of difficult to put an extra hamper right there.</p> <p>7 And he made the comment that one of the other carriers -- I think he might have said Gary -- that I never have to tell Gary; he just knows if there's no packages in your hamper, that he probably has another one. And stated, well, I had packages in my hamper, so I just thought it was a light day.</p> <p>13 Because I was used to being told or -- you know, or seeing it or whatever. And I don't -- I had no idea where it was at --</p> <p>16 Q. Okay.</p> <p>17 A. -- in the Post Office.</p> <p>18 Q. And I just want to get the timing down. So you're on your route. You get a call from a carrier saying there's this hamper. And then after that, you call Mr. McQuiston?</p> <p>22 A. No. I came -- I came back to the Post Office.</p> <p>23 Q. Oh, so you talked with him personally? I thought he wasn't there that day?</p> <p>25 A. He was there that morning.</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>Is the mail like set out in hampers and then each carrier has a certain...?</p> <p>A. Yes. We have hampers that are lined up in one, two, three -- which there's no city four -- five, six, seven. We all have our own hamper. They have our numbers on them.</p> <p>And then they have these little heavy -- or like gray tub things that are hung on them. And what we call a parcel is anything basically that won't fit in a mailbox. And then what we call a spur is -- it's a package -- it's not a magazine or a flat, as we call them -- but it's small enough that it will fit in a mailbox.</p> <p>So all of our stuff is in those; our packages, our spurs. The mail is brought to our cases. So I case my mail. I get my hamper. I put my mail in my hamper, take it out, deliver.</p> <p>Q. Okay. So when you get a call from the carrier there's an additional hamper, was it a hamper that you missed or it was something that was added to your route or what? Just explain what it was.</p> <p>A. I actually spoke with Joe McQuiston, I believe -- I believe this was on a Friday, and I believe I spoke with him on that next Monday. And I asked him if he was aware that I had to come back. And he said,</p>	<p>1 Q. Uh-huh.</p> <p>2 A. And he ran the floor.</p> <p>3 Q. Yeah.</p> <p>4 A. I received the call from a fellow carrier.</p> <p>5 Actually, she is a rural carrier. Her husband is a city carrier. And --</p> <p>7 Q. Who was it? I'm sorry to interrupt.</p> <p>8 A. Kelly Watson. Her husband is David Watson.</p> <p>9 And I don't know if maybe David didn't have my phone number, I don't know. But David noticed that there was a hamper there with packages for the route that I was on. So he asked his wife to call me to let me know.</p> <p>14 So I left the route, drove back to the Post Office, loaded the packages up, lined them up in my truck by order, and then came back in. And that's when I went to the desk and talked to Cynthia Freeman.</p> <p>18 Q. So when did you talk with Mr. McQuiston?</p> <p>19 A. On the Monday after. This was on a Friday, I believe.</p> <p>21 Q. Oh, okay. So you didn't talk with him on April 26th?</p> <p>22 A. No.</p> <p>24 Q. Okay.</p> <p>25 And so -- okay. Before we listen, just tell</p>

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<p>1 me what happened when you go into -- when you come back</p> <p>2 from the route, I guess to pick up this extra hamper or</p> <p>3 whatever, what happens then.</p> <p>4 A. I took the packages out and loaded them in my</p> <p>5 vehicle, lined them up with the packages I already had.</p> <p>6 Brought the hamper back in.</p> <p>7 I went over to the desk and I said, I am</p> <p>8 probably still going to be okay, but do you want me to</p> <p>9 fill out a 3996 -- which is a slip asking for</p> <p>10 overtime -- just in case. And she says, you do what you</p> <p>11 need to do to cover yourself. And I said, okay.</p> <p>12 And then so I went around the -- the computer</p> <p>13 is facing this way (indicating), so I'm standing here</p> <p>14 talking to her. So I went around to the desk drawer</p> <p>15 that the 399 -- the blank ones are in. And I pulled one</p> <p>16 out and I pulled it up on the desk and I started filling</p> <p>17 it out.</p> <p>18 Well, then she -- so she has her back to me.</p> <p>19 And then she turns and she's like, what are you doing?</p> <p>20 And I'm -- I was kind of confused because I had just had</p> <p>21 this conversation. And I said, I'm just putting this in</p> <p>22 for 15 minutes. I'm probably still going to be okay.</p> <p>23 And she said, well, you know those have to be in by</p> <p>24 8:45. And I said, I'm not -- you know, I didn't know at</p> <p>25 8:45 that I had an additional hamper and it's, you know,</p>	<p>1 Q. Okay. Okay. Let me see.</p> <p>2 MR. VISOSKY: And again, just for the</p> <p>3 record, I'm going to play what's been marked as</p> <p>4 Exhibit 5.</p> <p>5 (Video clip begins.)</p> <p>6 Q. (By Mr. Visosky) And let me fast forward. You</p> <p>7 can see the timing on it, just so you're not like...</p> <p>8 A. Yeah, it's --</p> <p>9 Q. It's just a lot of like --</p> <p>10 A. It's probably close to the last couple of</p> <p>11 minutes.</p> <p>12 (Video clip stopped.)</p> <p>13 Q. (By Mr. Visosky) Why are you recording all of</p> <p>14 this part? Like, I mean --</p> <p>15 A. Because I had already -- I had been back to</p> <p>16 work at this point one week.</p> <p>17 Q. No, no, no. I mean -- I mean, I understand</p> <p>18 why you might have wanted to record any conversation.</p> <p>19 But like, was anyone around at this point? Like why</p> <p>20 were you recording like...?</p> <p>21 A. That's just because I had learned in that one</p> <p>22 week that I -- I couldn't -- if she was there and he was</p> <p>23 not, it was very likely I was going to get accosted.</p> <p>24 Q. What about -- and by "accosted," you don't</p> <p>25 mean physically, right?</p>	
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<p>1 taken me at least 15 minutes to drive back here and do</p> <p>2 all that.</p> <p>3 And she said, I believe, something to the</p> <p>4 effect of well, did you get with Joe? And I said, no,</p> <p>5 he's already -- he's not here. And she said, it was --</p> <p>6 something like, I'm not -- it doesn't matter or -- it's</p> <p>7 the same or something. And I said, well, this is</p> <p>8 different. This is not a normal -- this was different.</p> <p>9 And she's like, no, it's the same. I'm not going to</p> <p>10 play games with you. And I was just like, okay. And</p> <p>11 you know, so I said, I'll do my best.</p> <p>12 And it's hard to hear. You have to really</p> <p>13 listen because I'm actually walking away and so you've</p> <p>14 got that noise. But if you listen really hard, you can</p> <p>15 hear her say, well, you're going to have to do better</p> <p>16 because your best ain't good enough.</p> <p>17 Q. Okay. And did you end up filling out the</p> <p>18 form, whatever the form is --</p> <p>19 A. For 15 minutes.</p> <p>20 Q. -- for overtime?</p> <p>21 Before you went back out on your route?</p> <p>22 A. Yes.</p> <p>23 Q. And did you get that overtime?</p> <p>24 A. I -- I couldn't tell you if I went over or</p> <p>25 not.</p>	<p>1 A. No. I just -- you can tell by the tone of the</p> <p>2 voice and just -- and saying what she said.</p> <p>3 Q. How -- how is this -- what were you recording</p> <p>4 this on?</p> <p>5 A. I had a digital recorder in my pocket.</p> <p>6 Q. Okay.</p> <p>7 (Video clip begins.)</p> <p>8 A. That's it.</p> <p>9 Q. (By Mr. Visosky) Is that the start of it?</p> <p>10 A. That was me saying I'm probably going to be</p> <p>11 okay.</p> <p>12 Q. Oh, wait. I'll back up.</p> <p>13 (Video clip stopped.)</p> <p>14 MR. VISOSKY: And just for the record,</p> <p>15 I'm starting playing continuously from what's marked on</p> <p>16 the screen as 9 minutes 10 seconds on Defendant's</p> <p>17 Exhibit 5 -- or Deposition Exhibit 5.</p> <p>18 (Video clip begins.)</p> <p>19 (Video clip stopped.)</p> <p>20 Q. (By Mr. Visosky) Let me just -- in the</p> <p>21 background, this is at 10 minutes 50 seconds, the person</p> <p>22 talking just a second -- I mean, not --</p> <p>23 A. Somebody across the room. I don't know.</p> <p>24 Q. Okay. That's -- okay.</p> <p>25 (Video clip begins.)</p>	

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1	(Video clip stopped.)	1 A. I believe Friday.
2	Q. (By Mr. Visosky) What -- and I take it -- now	2 Q. Okay.
3	we're at 11 minutes, 18 seconds. The voice we just	3 A. So I believe it was Monday.
4	heard, was that Mrs. Freeman?	4 Q. And what did you tell Mr. McQuiston?
5	A. Uh-huh.	5 A. I asked him if he was aware that I had to come
6	Q. If you know, what she's talking about 8:45 and	6 back. And he said that, yes, that -- that was my fault.
7	you have to do something by a certain time?	7 You know, I apologize. You know, I forgot to tell you
8	A. She's saying the 3996 that I spoke about	8 that you had another hamper. I never have to tell --
9	that's asking for overtime, --	9 whoever he said -- because they know if they don't have
10	Q. Uh-huh?	10 hampers in their parcels. And I said, I did have -- I
11	A. -- that they have a general rule that you're	11 did have parcels in my hamper. And he said oh, okay.
12	supposed to have that in by I think she said 8:45.	12 Then I said -- I told him what -- exactly what
13	Normally, I think at that time we were coming in at	13 happened on -- you know, what she said to me. And he
14	7:30, so it was about 8:30, 8:45. That way the	14 was, you know, just like, okay, I'll talk to her.
15	supervisor or the Postmaster has time to determine	15 And then I stated that I feel like she is
16	whether or not you were -- you are entitled to any	16 harassing me and that I feel like she is creating a
17	overtime and they can approve or disapprove it and tell	17 hostile work environment for me.
18	the carrier.	18 Q. And what did he say or do?
19	Q. Okay.	19 A. Okay, I'll talk to her.
20	(Video clip begins.)	20 Q. And do you know if he did talk to her?
21	A. That's -- you heard it?	21 A. I have no idea.
22	And that's just me walking out.	22 Q. Did you ever receive any discipline as a
23	(Video clip stopped.)	23 result of this incident?
24	Q. (By Mr. Visosky) Okay. Is that the --	24 A. Not this incident, --
25	A. Yeah.	25 Q. Okay.
	Page 94	Page 96
1	Q. -- the end of the voice part?	1 A. -- no.
2	A. Uh-huh.	2 Q. And I think you said earlier -- and correct me
3	Q. Okay.	3 if I'm wrong -- that you're not sure whether you
4	Did you have any further interaction with	4 submitted or received the overtime pay for taking an
5	Mrs. Freeman that day? And again, that would be	5 extra hamper?
6	April 26th.	6 A. I have -- no, I don't know that particular
7	A. I don't -- I don't recall. Probably not.	7 day.
8	Q. Okay. Did you make any -- well, first of all,	8 Q. Okay. So after April 26th, 2013, was there
9	what we just heard and how Mrs. Freeman spoke and what	9 any other encounters or things that Mrs. Freeman did
10	she was saying, I mean, do you find any -- I mean, is	10 that you were -- you are claiming or contending was
11	there anything objectionable about that or did that --	11 hostile?
12	A. Telling somebody they better do better because	12 A. I believe for the most part, any particular
13	their best isn't good enough is absolutely	13 instance like that one not until October. Well, it was
14	objectionable.	14 actually the very end of September.
15	Q. Did you complain to anyone about it?	15 Q. And just tell me what happened then.
16	A. Yes.	16 A. Joe was vacation, training somewhere; he was
17	Q. Who?	17 not there that entire week. She every morning pretty
18	A. Joe McQuiston.	18 much was coming over and just questioning me about
19	Q. When?	19 saying that I went over on my office time, when I knew
20	A. On April the 29th.	20 that I didn't. Just constantly questioning me about my
21	Q. Okay. That would have been the Monday --	21 route, my performance.
22	A. Yes.	22 And I was performing the exact same way that I
23	Q. -- the following Monday?	23 always did when Joe was on the floor, and he never had
24	A. Yes.	24 to question me or said that I went over or -- because
25	Q. Okay. The 26th was what?	25 I -- I'm a very hard worker. I try my best.

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1	I understand it. You know, I understand that	1	And she said, I don't know; that's just what
2	I'm allowed this much time for this, and I -- so I don't	2	she gave me. And I said, okay. Well, I will do every
3	take more time.	3	bit that I can, but I have to be gone by 1:00 p.m. And
4	And then it all came down to August -- I mean,	4	so any that I can't continue, I will bring back and let
5	October the 4th, which was a Friday. And I had put in a	5	y'all know.
6	annual leave slip to ask to be off at 1:00 p.m. I had	6	And there was, I think, 20, 25, maybe 30
7	an appointment at 1:15 p.m. And I had -- in Overton, so	7	minutes at the very, very end of the route that I could
8	I had just enough time to get to it.	8	not complete. I did not take a break. I did not stop
9	And that morning -- and this --	9	for anything. I went as fast as I could to get as much
10	(Computer beeping.)	10	done.
11	Q. (By Mr. Visosky) Sorry.	11	And when I brought it back, she started -- she
12	A. That was not me.	12	came out. I told her, this is --
13	And this -- that morning when the schedule had	13	Q. I'm sorry, who is "she"?
14	been made, it had been wrote on the schedule, leave,	14	A. Cynthia.
15	1:00 p.m.	15	Q. Okay.
16	And so I came in that morning. We -- we began	16	A. Angie was not there at the time.
17	work at -- I think at that time it was 7:00 p.m. And so	17	Cynthia came out. I said, there's 20, 25
18	without -- no. It was 7:30 p.m.	18	minutes, 30 minutes there. And she said, no, ma'am, you
19	MS. GEGEN: Do you mean a.m.?	19	go back out there and carry it right now. And I'm like,
20	THE WITNESS: Yes, a.m. I'm sorry.	20	no, ma'am. I have a leave slip and I have to leave at
21	A. 7:30 a.m.	21	1:00. No, you're going back and carrying it right now.
22	And so without a lunch, without taking a	22	I said, no, ma'am, I am not. I have an approved leave
23	lunch, my eight hours would be 8:30. And I had -- let's	23	slip to leave at 1:00. No you don't. That's incidental
24	see. This was -- yeah, I had a mini bid, and so I was	24	leave. I said, that doesn't matter, it's approved.
25	on the same route every day. And so for me to be able	25	It's even on the schedule. I have to leave at 1:00.
	Page 98		Page 100
1	to be off by 1:00 p.m., the management would have to	1	And then she -- she's yelling at me, I'm --
2	take two and a half hours off of my route and hand off	2	I'm going to -- I'm going to report you for delaying the
3	to other carrier or carriers.	3	mail. And I said, no, ma'am, I am not.
4	Angie Rojas, who is actually now our	4	And so she started toward the supervisor's
5	supervisor, was a 204-B at the time. And so since Joe	5	desk and I went toward the time clock. And right as I
6	was not there, Cynthia was running the floor, Angie was	6	was clocking off, she's screaming at me, you better not
7	the p.m. supervisor.	7	leave this building. I'm giving you a direct order.
8	And Angie had came in. And she come over and	8	And I clocked -- I had clocked off, I went to
9	she gives me a 3996, which is the overtime slip and --	9	my car, and I left.
10	because what will happen is, if they're having to take	10	And then on I believe it was -- oh, and at
11	mail off of me, they will fill one out. And then	11	some point in that she said, don't come back in this
12	they'll give it to me, and it says what territory I'm	12	building without a union steward.
13	going to give off. And then they give it to that --	13	And so I went and -- to my appointment. And I
14	like the carrier who is going to carry its name down	14	believe I was off -- I believe I was on annual leave on
15	here. And then there's a place where they can keep up	15	that next day on that Saturday. I believe my regular
16	with their time.	16	day off was Monday.
17	And she brought me one that said an hour and	17	And then so Tuesday, I believe it was, when I
18	54 minutes. The territory that they took off is	18	came back in, she called me into the office. I informed
19	actually the route that is my regular route now and was	19	her that I wanted Laura Maglaris, who is a union steward
20	pretty of the same back then, and it was around an hour	20	in Longview, to represent me.
21	and a half. And -- but she put on the paper an hour and	21	She got her over there. And she did an
22	54 minutes.	22	investigation -- you know, what they called an INI
23	I told Angie at that time that she brings me	23	investigation. And then she issued me a letter of
24	this 3996 that that's not enough. I have to be off by	24	warning.
25	1:00. I had an appointment.	25	Q. And what was the letter of warning for?

	Page 101	Page 103
1	A. I believe she -- it was for failure to follow instructions, I believe.	as a result of this incident?
2	Q. Okay. And did you speak with Joe McQuiston about any of this?	1 A. I filed a grievance on the letter of warning 2 that I received, and it was dropped. 3 Q. And what was it -- was it dropped entirely? 4 A. Yes. 5 Q. Okay. 6 MS. GEGEN: Just to clarify: Was the 7 letter of warning dropped or the grievance dropped? 8 THE WITNESS: The letter of warning was 9 dropped. 10 MS. GEGEN: Okay. 11 A. That's what the grievance was on. 12 Q. (By Mr. Visosky) Okay. 13 A. Again, the union will only deal with 14 contractual issues. And the letter of warning was 15 corrective action, which was a contractual issue. 16 Q. And you have no recording of the October 4th 17 interactions with Mrs. Freeman? 18 A. I believe I do. I'm still kind of searching 19 my computer. They're not numbered. And I've been 20 fighting with my computer. I believe I -- I actually 21 believe I do have that -- 22 Q. Okay. 23 A. -- but I haven't been able to find. 24 Q. Other than possibly the October 4th and the
25	Q. What's the difference between incidental leave	
1	and --	Page 102
2	A. The only difference is that we have a -- our 3 vacation time is -- we have a choice leave calendar, the 4 city carriers and the clerks do. 5 And so basically they put every week -- the 6 vacation week, even though our postal week starts on 7 Saturday, it starts on Sunday. They list every single 8 week from Sunday to Saturday. Then in order of 9 seniority, it goes through a rotation twice. And 10 usually November, December, we sign up for what weeks we 11 want. That is called choice leave. 12 Anything else is incidental leave.	1 October -- or April, whatever, 26th recording that we 2 listened to earlier, are there any other recordings? 3 A. I'm -- I'm sure there is. I believe that I 4 might have, if I can find it, the one where on the 29th 5 when I reported it to Joe. 6 Q. Okay. 7 A. I believe. Like I said, I'm kind of fighting 8 with my computer at the time. I'm trying to find it. 9 Q. Are -- 10 A. I thought I had them named, but... 11 Q. Are there any recordings that -- that you 12 might have where nothing in particular may have 13 happened? I mean, you expected some kind of encounter 14 with some employee or another, and just nothing 15 happened? Where you just recorded it, but there's 16 really no one speaking or nothing...? 17 A. If that was ever the case, then I deleted it. 18 Q. Okay. Like how many times would you say -- 19 not the recordings that you kept. But how many times 20 between when you returned to work and April of 2013 and 21 today would you say you recorded something that happened 22 at -- at the Postal Service? 23 A. I have no idea, I really don't. 24 Like I said, if Joe was there, then nothing 25 would happen. I -- I learned cars. When I came in the
25	Q. Okay. Did you ever file any kind of grievance	

	Page 109	Page 111
1	<p>Q. (By Mr. Visosky) Not the page number, just the little --</p> <p>MS. FISHER: If you don't mind, just a second and I'm going to show you what he's talking about.</p> <p>MS. GEGEN: Page 3.</p> <p>MS. FISHER: Yeah. It's paragraph numbers.</p> <p>A. Oh, okay.</p> <p>Q. (By Mr. Visosky) This is -- these allegations related to allegations of hostile work environment directed towards Mrs. Freeman's alleged conduct. And you -- you allege in there that Mrs. Freeman was hostile or harassing to white female employees.</p> <p>Is it -- is your allegation that she discriminated against or was hostile towards just white people generally or females generally or specifically white females?</p> <p>A. This -- this actually talks about before my removal.</p> <p>MS. FISHER: Okay. But what --</p> <p>A. Yes, it was white females.</p> <p>MS. FISHER: Okay. But I want you to listen carefully to his question and answer it.</p> <p>THE WITNESS: Okay.</p>	<p>"USPS policies." And Supervisor Freeman was not separated from the Workforce subject to an investigation, which is in violation of USPS's policies. And then it says, as written in Title VII of the discrimination law.</p> <p>Are you aware of any particular Postal Service policy that requires a supervisor or manager to separate another supervisor or manager who has had allegations against them of having created a hostile work environment?</p> <p>A. To my knowledge, it is postal -- there's a postal rule and an EEO rule that if something is alleged, then that person is supposed to be removed until the investigation is conducted.</p> <p>Q. So your understanding is if -- if an employee of, say, the Kilgore Post Office complains about a particular supervisor, that supervisor can't have -- that they have to be separated from the complaining employee or from their duties --</p> <p>A. I don't --</p> <p>Q. -- entirely until the investigation is conducted?</p> <p>A. I -- to my knowledge, I think from what I understand is that they have to be -- they're supposed to be taken out of that environment until the</p>
1	<p>Q. (By Mr. Visosky) So Mrs. Freeman -- just for the record, she is African-American, correct?</p> <p>A. Yes.</p> <p>Q. So are -- did you ever witness her being harassing to -- to white males?</p> <p>A. No.</p> <p>Q. Okay. What about black females?</p> <p>A. No.</p> <p>Q. Okay. Any other races? I mean Hispanic? Do any other races work at the -- at the Kilgore Post Office?</p> <p>A. We have -- at that time, I -- at least one Hispanic. I don't know -- I don't think there was any, no.</p> <p>Q. Okay. Are you aware whether any white male employees have filed EEO complaints related to Mrs. Freeman's conduct?</p> <p>A. No.</p> <p>Q. Going back to Paragraph 10 in Exhibit 6. You allege that you reported or told Mr. McQuiston about what you believe to be Mrs. Freeman's having created a hostile work environment at the Post Office. And you allege that -- that he did not properly report Cox's complaint of a hostile work environment in direct violation of USPS -- I think it's supposed to say --</p>	<p>Page 110</p> <p>investigation is conducted. And that, from my knowledge, I believe an outside person is supposed to come in and investigate that. And I know that never happened.</p> <p>Q. Okay. So what I think I'm hearing, correct me if I'm wrong, like, for example, when -- when you went to complain to Mr. McQuiston about Mrs. Freeman, you believe that he was required under Postal Service policy to remove her from being a customer service supervisor until the investigation was conducted and completed?</p> <p>MS. FISHER: Objection, form.</p> <p>But you can answer the question.</p> <p>A. After my removal, I believe that once I learned -- I gained a lot of knowledge throughout that process. I don't think I knew that before.</p> <p>Q. (By Mr. Visosky) Okay. And you might not be able to do it, but I'm just going to ask. I mean, can you identify any particular -- like what's your understanding of this Postal Service policy -- this alleged Postal Service policy, based on is there any particular handbook or booklet or --</p> <p>A. I have no idea.</p> <p>Q. -- thing you can point to? Okay.</p> <p>(Exhibit 7 marked.)</p> <p>MS. FISHER: Thank you, sir.</p>

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1	A. Do I have an account that says it's a savings account in a bank?	perjury that same is true and correct, except as noted
2	Q. Right.	above.
3	A. No, I don't.	3
4	Q. Okay. Do you have any other family wealth or	4
5	interest that we haven't talked about today, like oil	KIMBERLY COX
6	somewhere, --	5
7	A. No.	6 THE STATE OF _____)
8	Q. -- an inheritance or anything?	7 COUNTY OF _____)
9	A. Unfortunately, no.	8
10	Q. Well, Mrs. Cox, I know this was difficult.	9 Before me, _____, on this day
11	But I thank you for coming in today and answering my	10 personally appeared KIMBERLY COX, known to me or proved
12	questions.	11 to me under oath to be the person whose name is
13	MR. VISOSKY: That's all I've got right	12 subscribed to the foregoing instrument and acknowledged
14	now.	13 to me that he/she executed the same for the purpose and
15	MS. FISHER: I'll reserve my questions.	14 consideration therein expressed.
16	(Proceedings concluded at 1:35 p.m.)	15 Given under my hand and seal of office on this
17		16 _____ day of _____, 2016/2017.
18		17
19		18
20		19 NOTARY PUBLIC IN AND FOR
21		20 THE STATE OF
22		21
23		22
24		23 My Commission Expires: _____
25		24
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1	CHANGES AND SIGNATURE	1 IN THE UNITED STATES DISTRICT COURT
2		2 FOR THE EASTERN DISTRICT OF TEXAS
3	WITNESS: KIMBERLY COX	3 MARSHALL DIVISION
4	DATE OF DEPOSITION: DECEMBER 1, 2016	4 KIMBERLY L. COX,)
5	PAGE/LINE CHANGE	5 Plaintiff,)
6	REASON	6 vs.) CIVIL ACTION NO.
7	_____	7 MEGAN J. BRENNAN,) 2:14-CV-00810-JRG-RSP
8	_____	7 POSTMASTER GENERAL OF THE)
9	_____	8 UNITED STATES, U.S. POSTAL)
10	_____	8 SERVICES,)
11	_____	9 Defendant.)
12	_____	10
13	_____	11
14	_____	12 REPORTER'S CERTIFICATE
15	_____	13 ORAL DEPOSITION OF KIMBERLY COX
16	_____	14 DECEMBER 1, 2016
17	_____	15
18	I, KIMBERLY COX, have read the foregoing deposition	16 I, Brenda Hightower Smith, Certified Shorthand
19	and hereby affix my signature under the penalty of	17 Reporter in and for the State of Texas, hereby certify
20		18 that this deposition transcript is a true record of the
21		19 testimony given by the witness named herein, after said
22		20 witness was duly sworn or affirmed by me;
23		21 That the deposition transcript was submitted on the
24		22 _____ day of _____ 2016, to the
25		23 witness/attorney for examination, signature, and return
		24 to me by the _____ day of _____, 2017.
		25 That \$ _____ was the charge for the original

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1 deposition charged to the Attorney for the Defendant.

2 That pursuant to the information given to the
3 deposition officer, the following includes all parties
4 of record and the time used by each party:

5 Mr. Visosky (4 hrs. 6 mins.)
6 Attorney for the Defendant
Ms. Fisher (0 mins.)
7 Attorney for the Plaintiff.

8 I further certify that I am neither attorney nor
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this testimony was taken.

11 Further, I am not a relative nor employee for any
12 attorney of record in this cause, nor do I have a
13 financial interest in this action.

14 Subscribed and sworn to on this the 19th day of
15 December, 2016.

16

17

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21

22

23

24

25

BRENDA HIGHTOWER SMITH, CSR, RPR, FCRR
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Expiration Date: 12/31/2018
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